Probe Concludes Deputy Fired Fatal Shot at Southern Univ.

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BATON ROUGE, La., Dec. 14—A special state Commission of Inquiry has concluded that a sheriff's deputy fired the single, fatal shot that killed two Southern University students in a confrontation last month.

The commission, formed by the state attorney general to probe the Nov. 16 deaths, also concluded that the violence erupted after a state trooper tossed a tear gas cannister at a group of students in front of the campus administration building that had been seized earlier by students.

The commission said it would turn its evidence over to the East Baton Rouge Parish (county) district attorney for further investigation "of possible criminal liability of any individual (including students or others) involved."

Asked why the commission report did not say which one of the deputies fired the fatal shot, Attorney General William Guste replied:

"We felt that was a matter that involved personal culpability and addressed itself to more of a grand jury investigation."

The present parish district attorney, Sargent Pitcher, who will be leaving office next month, said he would not take action on the case. He said he would leave such action for incoming District Attorney Ossie Brown.

Guste told a news conference that the commission had narrowed the field of deputies from whom the fatal shot came to six.

An assistant attorney general said that all of the deputies had been interviewed and none acknowledged firing the fatal shot, a blast of No. 4 buckshot.

The assistant said it was unlikely that authorities would ever be able to pinpoint the individual unless he voluntarily stepped forward.

"It is a tragedy of the worst sort," Guste said. "It should never have happened."

The violence capped three weeks of unrest at both the Baton Rouge and New Orleans campuses of the predominantly black university system. Following the shooting, the Baton Rouge campus was closed until Jan. 3. The New Orleans campus has remained open, but students have been boycotting classes.

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La. Probe Finds Deputy Fired Shot

SOUTHERN, From A1

Slain in the confrontation were students Denver Smith of New Roads, La., and Leonard Brown of Gilbert, La., both 20 years old. They were at the rear of a group of 45 students fleeing from the front of the boilding after officers opened up with tear gas.

Guste said the commission concluded the two were felled by a single shot. They had a total of 19 wounds and 10 pellets were recovered from their bodies.

The commission's findings differed from the conclusion of Gov. Edwin Edwards who contended that television films he saw showed students had thrown the first missile. No evidence of students having weapons was found, the commission said.

Edwards told a press conference that he would have no comment on the report because of the criminal implications and possible grand jury investigation.

However, he said that he personally still disagrees with the finding that police threw the first object that set off the melee.

He also said that one result will be the creation of groups of specially trained state police and National Guardsmen to cope with such situations in the future.

The governor had also cited wreckage of the president's office in the administration building as clear evidence the students had precipted the incident.

The commission agreed that students had taken over the building, but said damage and disruption to the president's office has been insignificant.

The commission said that state police lieutenant in charge of a tactical squad which formed in front of students had acknowledged throwing a tear gas canister underhanded into a group of students who refused to move.

That missile, which was defective, and a second canister tossed by the same trooper were thrown back at police. The second burst in a shower over police ranks setting off the melee.

Sheriff's deputies were armed with shotguns loaded with both tear gas shells and buckshot shells of both the No. 4 and double-ought variety. No. 4 shot killed the students.

"He did instruct his men to load buckshot in the magazines of their shotguns but not into the chambers," the commission said. "Only upon a specific order to lock and load live ammunition were the sheriffs deputies to insert buckshot into the chambers of their shotguns.

"Such an order was never given."

The commission said, "Police specialists have unanimously determined the angle and estimated the distance from which the shot was fired as it related to the administration building and to the students who were shot.

"On the basis of this and other evidence," the report said, "the commission has concluded that the lethal shot came from an area where sheriff's deputies were deployed."

The Nov. 16 episode began, the commission said, when student leaders called on Southern University President G. Leon Netterville to seek dropping of charges against four students who had been arrested earlier that morning in connection with previous demonstrations.